

## **REMARKS / ARGUMENTS**

### **Status of Claims**

Claims 1-9 and 13-53 are pending in the application. Claims 1-9, 20-26, 35, 38-45 and 48-53, are allowed. Applicant wishes to thank the Examiner for notice of the allowable claims. Claims 13-19, 27-34, 36, 37, 46 and 46, are rejected. Of the pending claims, Applicant herein provides clarifying remarks, for consideration by the Examiner, to traverse the rejections. No claim amendments have been made, and therefore under 37 CFR 1.121, no claim listing is provided herewith.

Applicant respectfully submits that the rejections under 35 U.S.C. §112 have been traversed, that no new matter has been entered, and that the application is in condition for allowance.

### **Rejection Under 35 U.S.C. §112, First Paragraph**

Claims 13-19, 27-34, 36, 37, 46 and 47, are rejected under 35 U.S.C. §112, first paragraph, as containing subject matter that was not described and supported in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention, because said claims contain subject matter that cannot be found to be clearly supported by the originally filed disclosure.

Applicant respectfully submits that where the specification contains a written description of the invention in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains to make and use the same, then such written description complies with 35 U.S.C. §112, first paragraph.

Applicant believes the present specification and claims satisfy that burden.

### **Regarding Claim 13**

The Examiner alleges: "Claim 13 sets forth *a test of* operating characteristics or parameters of a *means for receiving* in which support therefore could not be found in the originally filed disclosure. Nothing suggesting '*a test of a means for receiving*' could be

found in the passages/figures cited by the Applicant.” (Paper 8, page 5) (Emphasis added).

At the outset, Applicant respectfully submits that Claim 13 does not set forth “*a test of*”, but rather sets forth “...wherein the *means for testing* comprises: *a plurality of elements to test* the... means for receiving.” (Emphasis added).

Since Claim 13 is properly directed to a “means for testing comprising...” and is not directed to “a test of...”, it is understood that the Examiner’s rejection is directed toward the claim language of “...wherein the *means for testing* comprises *a plurality of elements to test* the operating characteristics or parameters of... *the means for receiving*.”

Applicant believes that the specification as originally filed provides sufficient written description for “a means for testing the means for receiving” to comply with 35 U.S.C. §112, first paragraph.

At paragraph [0003] and Figure 9, Applicant describes and illustrates *a radiology apparatus (Figure 9) that includes* an X-ray tube (60), a collimator (1) and *a means for receiving (62)* the X-ray emissions.

At paragraph [0007] and Figures 1 and 9, Applicant describes and illustrates a collimation device (1) that includes *a means for testing (17)* operation of *the assembly (radiology apparatus of Figure 9)* formed by the energy beam generating means (60), the collimation device (1), the control device (20), and the receiver (62).

At paragraph [0037], Applicant describes *test tools (17)* for automatic testing of the radiology apparatus (Figure 9).

At paragraph [0038], Applicant describes *a means for testing an operating characteristic or parameter, such as device aging, of the receiver (62)*.

At paragraph [0025] and Figures 1-3, Applicant describes a disk (17) having a plurality of circular zones (22-28) for receiving *a plurality of elements (e.g., an aluminum plate, a metal grid, a metal sheet, a plate of heavy metal, and a copper plate)* for use in testing the radiology apparatus (Figure 9).

Accordingly, Applicant has described a means for testing (17) comprising a plurality of elements (e.g., an aluminum plate, a metal grid, a metal sheet, a plate of heavy metal, and copper plates) to test the operating characteristic or parameters (device

aging) of the means for receiving (62), in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains to make and use the invention as claimed.

In view of the foregoing, Applicant believes that the written description complies with 35 U.S.C. §112, first paragraph, and respectfully requests reconsideration and withdrawal of this rejection, which Applicant believes to be traversed.

#### Regarding Claim 14

The Examiner alleges that nothing in the passages cited by the Applicant suggests “testing for spectral quality.” (Paper 8, page 5).

Since Claim 14 is properly directed to a “*means for testing* spectral quality” and is not directed to the “*testing for* spectral quality”, it is understood that the Examiner’s rejection is directed toward the claim language of “...wherein the plurality of elements comprise *means for testing spectral quality*.”

Applicant believes that the specification as originally filed provides sufficient written description for a “means for testing spectral quality” to comply with 35 U.S.C. §112, first paragraph.

At paragraphs [0024-0025] and Figures 1-2, Applicant describes and illustrates an embodiment of the disk (17) having a plurality of circular zones (22-28), where circular zone (23) has an aluminum plate element of given thickness that *allows testing of the variation of spectral quality* due to aging of the X-ray tube.

Accordingly, Applicant has described a collimator device (1) wherein the plurality of elements (e.g., an aluminum plate, a metal grid, a metal sheet, a plate of heavy metal, and copper plates) comprise means for testing (17) spectral quality (using an aluminum plate, for example), in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains to make and use the invention as claimed.

In view of the foregoing, Applicant believes that the written description complies with 35 U.S.C. §112, first paragraph, and respectfully requests reconsideration and withdrawal of this rejection, which Applicant believes to be traversed.

Regarding Claim 15

The Examiner alleges that nothing in the passages cited by the Applicant suggests “calibrating radiation dose.” (Paper 8, page 5).

Since Claim 15 is properly directed to a “*means for calibrating* radiation dose” and is not directed to “*calibrating* radiation dose”, it is understood that the Examiner’s rejection is directed toward the claim language of “...wherein the plurality of elements comprise *means for calibrating radiation dose*.”

Applicant believes that the specification as originally filed provides sufficient written description for a “means for calibrating radiation dose” to comply with 35 U.S.C. §112, first paragraph.

At paragraph [0014], Applicant describes a collimation device (1) that may comprise lead plates for calibration of the X-ray tube, and aluminum plates *for spectral characterization of the X-ray beam and dose measurement*. Applicant further describes that several aluminum plates may be provided to determine at what thickness of aluminum *the dose* is divided by a given factor, thereby enabling calibration of the image quality possible.

At paragraph [0025], Applicant describes circular zones (27) and (28) having copper plates and being used *for calibration of the X-ray dose* in the absence of a dosimeter.

Accordingly, Applicant has described a collimator device (1) wherein the plurality of elements (e.g., an aluminum plate, a metal grid, a metal sheet, a plate of heavy metal, and copper plates) comprise means for calibrating (17) radiation dose (using copper plates, for example), in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains to make and use the invention as claimed.

In view of the foregoing, Applicant believes that the written description complies with 35 U.S.C. §112, first paragraph, and respectfully requests reconsideration and withdrawal of this rejection, which Applicant believes to be traversed.

Regarding Claim 36

The Examiner has rejected Claim 36 on grounds that parallel those used for rejecting Claim 14.

For at least the reasons discussed above in connection with Claim 14, Applicant respectfully submits that this rejection has been traversed, and therefore requests reconsideration and withdrawal of this rejection.

Regarding Claim 37

The Examiner has rejected Claim 37 on grounds that parallel those used for rejecting Claim 15.

For at least the reasons discussed above in connection with Claim 15, Applicant respectfully submits that this rejection has been traversed, and therefore requests reconsideration and withdrawal of this rejection.

Regarding Claims 16-19, 27-34, 46 and 47

Claims 16-19, 27-34, 46 and 47, are either directly or indirectly dependent upon a claim rejected under 35 U.S.C. §112, first paragraph, and have not been separately rejected.

Applicant submits that a dependent claim dependent upon an allowable claim is also allowable.

Accordingly, and in view of the foregoing remarks, Applicant respectfully submits that Claims 16-19, 27-34, 46 and 47, are allowable, and respectfully requests notice thereof.

In light of the foregoing, Applicant respectfully submits that the proposed arguments comply with 37 C.F.R. §1.116 and should therefore be entered, and with their entry that the Examiner's rejections under 35 U.S.C. §112, first paragraph, have been traversed, and that the application is now in condition for allowance. Such action is therefore respectfully requested.


The Commissioner is hereby authorized to charge any additional fees that may be required for this reply, or credit any overpayment, to Deposit Account No. 07-0845.

In the event that an extension of time is required, or may be required in addition to that requested in a petition for extension of time, the Commissioner is requested to grant a petition for that extension of time that is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to the above identified Deposit Account.

Respectfully submitted,

CANTOR COLBURN LLP

Applicant's Attorneys

By: \_\_\_\_\_

David Arnold  
Registration No: 48,894  
Customer No. 23413

Address: 55 Griffin Road South, Bloomfield, Connecticut 06002  
Telephone: (860) 286-2929  
Fax: (860) 286-0115